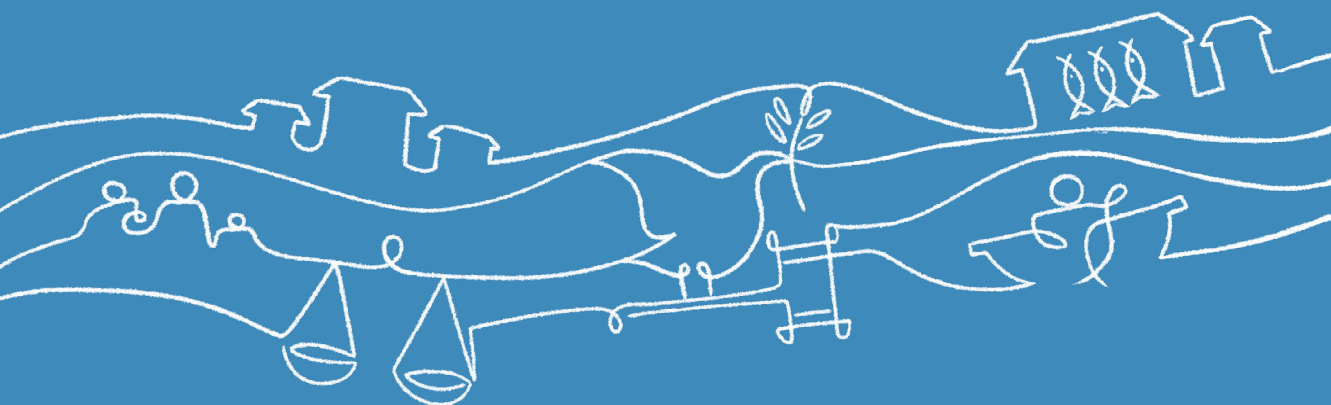




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United Nations

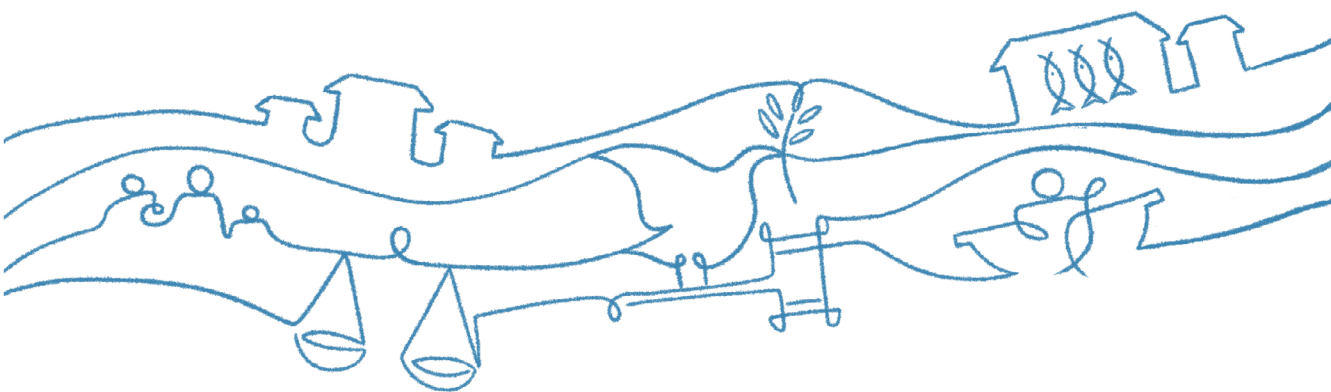


A policy and legal diagnostic tool for sustainable small-scale fisheries

In support of the implementation of the *Voluntary
Guidelines for Securing Sustainable Small-Scale Fisheries
in the Context of Food Security and Poverty Eradication*



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In support of the implementation of the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*

Food and Agriculture Organization of the United Nations
Rome, 2022

Required citation:

FAO. 2022. *A policy and legal diagnostic tool for sustainable small-scale fisheries – In support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome. <https://doi.org/10.4060/cb8234en>

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ISBN 978-92-5-135599-2

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The background of the entire page is a solid blue color. Overlaid on this background are numerous horizontal, wavy white lines of varying thickness and frequency, creating a textured, ocean-like effect.

In honour of Professor Fábio Hazin,
who dedicated his life to scientific
research and contributed to the
development and adoption of the
Small-Scale Fisheries Guidelines.

Preface

Addressing the sustainability of small-scale fisheries depends in part on an effective and contextual implementation of the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines), as endorsed by the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) in 2014.

One important means of implementing the SSF Guidelines involves embedding its recommendations in national policy and legal instruments. This ensures that a country's policy and legal frameworks are aligned with the SSF Guidelines. More importantly, any relevant legal framework should be clear and coherent, in that its constituent provisions are fit for the purpose of securing the rights, including the human rights of people in small-scale fisheries while also ensuring that their duties are adequately outlined without creating an unfair burden on them.

"A policy and legal diagnostic tool for sustainable small-scale fisheries: In support of the implementation of the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*" builds on previous works of FAO in support of the implementation of the SSF Guidelines through national policy and legal frameworks.

A deeper appreciation of these instruments is crucial to ensure that they are appropriately applied to the small-scale fisheries context in an integrated and coherent way. This diagnostic tool highlights the relevant preliminary considerations and helps the user to (i) identify the relevant national policy and legal framework (including provisions relating to fisheries, environment, health, education and relevant human rights instruments) consistent with the SSF Guidelines, and (ii) assess the implementation of the SSF Guidelines in the relevant national fisheries policy and legal instruments.

This tool was developed and tested by the Coastal Fisheries Initiative (CFI), based on an in-depth assessment of the coherence between national fisheries regulations, policies and strategies in Cabo Verde, Côte d'Ivoire and Senegal with international instruments and standards, and in particular with the SSF Guidelines.

This tool should be used in conjunction with "[Legislating for Sustainable Small-Scale Fisheries – a guide and considerations in implementing aspects of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication in national legislation](#)", published by FAO in 2020. It is focused on assessing the efficiency of the implementation of the SSF Guidelines in national fisheries policy and legal instruments. Analysis of other policy and legal instruments, including the relevant Constitution or fundamental law of a country, is

considered, with a view to support and potentially fill in the gaps found in the assessed fisheries instruments.

We hope that this tool will play a vital role in the establishment of legal and policy frameworks for small-scale fisheries at national and regional levels promoting co-management to ensure that local communities are involved in decision-making and fostering a human rights-based system for the men and women whose livelihoods depend on coastal fisheries.

By publishing this tool, we expect it to become an effective vehicle of our innovative knowledge sharing and outreach efforts, aimed at making the knowledge gathered by CFI widely available to coastal fisheries communities, authorities, partners and stakeholders at local, regional and global level.

Acknowledgements

This policy and legal diagnostic tool is a product of the FAO Legal Office Development Law Service (LEGN) in collaboration with CFI and its project ‘Delivering Sustainable Environmental, Social and Economic Benefits in West Africa through Good Governance, Correct Incentives and Innovation’ (CFI GCP/RAF/837/GFF or the ‘CFI West Africa project’). Funding for this project has been provided by the Global Environment Facility.

This tool is based on the work of Julia Nakamura, complemented by the supervision, counsel and technical input of Blaise Kuemlangan, Chief of LEGN. Its development was supported by the coordinating works of Fatou Sock, regional Coordinator of CFI West Africa, and Lalaina Ravelomanantsoa, Legal Officer of LEGN. Additional improvements to this document were made by: Elizabeth-Rose Amidjogbe, Teresa Amador, Buba Bojang and Kysseline Cherestal (LEGN); Ana Maria Suarez Dussan, Nicole Franz, Lena Westlund and Mostafa El Halimi from FAO Fishery Policy, Economics and Institutions Branch (NFIFL) and Jennifer Gee and Roxanne Misk of FAO Statistics and Information Branch (NFISG). The contributions of Diénaba Bèye Traoré, CFI’s international consultant, were also appreciated.

This tool was prepared utilizing the methodology adopted in previous materials developed by FAO under the EAF-Nansen Programme. An advanced draft version of this tool was tested in an online regional workshop held between 8 and 11 February 2021. This involved over 40 participants from Cabo Verde, Côte d’Ivoire and Senegal, as part of the CFI West Africa project. Additional comments from the participants were collected and have been incorporated, where appropriate, into this document.

This tool also benefited from the valuable contributions of Professor Elisa Morgera, director of the One Ocean Hub (OOH). The OOH is an international programme of research for sustainable development, working to promote fair and inclusive decision-making for a healthy ocean whereby people and planet flourish.¹ A further revised draft version of this tool was tested in an online regional workshop held between 12 and 15 April 2021. This involved over 50 participants from Ghana, Namibia and South Africa in collaboration with the OOH. This finalized version is the result of a final review that took into consideration the inputs from participants of this workshop, including those of small-scale fishers’ representatives and the OOH researchers. We are grateful for the intellectual contributions of: Ms Hilda Adams, Mr Glenn Kasper, Mr Pedro Garcia and Mr Abaka-Edu (small-scale fishers); Dr Bolanle Erinoshio and Prof Joseph Aggrey-Fynn (University of Cape Coast); Dr Jackie Sunde (University of Cape Town); Prof Warwick

¹ The OOH is funded by UK Research and Innovation (UKRI) through the Global Challenges Research Fund (GCRF), a key component part in the delivery of the UK AID strategy in pursuit of Sustainable Development Goals. The OOH addresses the challenges and opportunities present in South Africa, Namibia, Ghana, Fiji and Solomon Islands, and will share knowledge at regional (South Pacific, Africa and Caribbean) and international levels. It is led by the University of Strathclyde and has 126 researchers, 21 research partners, and 19 project partner organizations. Grant Ref: NE/S008950/1.

Sauer (Rhodes University); Prof Alex Kanyimba and Dr Tapiwa Warikandwa (University of Namibia); and the written comments received from Prof Patrick Vrancken and Ms Anthea Christoffels-Du Plessis (Nelson Mandela University); and Dr Senia Febrica (Knowledge Exchange Associate of the OOH, University of Strathclyde).

We are also grateful to the support given by the FAO Small-Scale Fisheries Umbrella Programme and for the funding provided by the Norwegian Agency for Development and Cooperation (NORAD) and the Swedish International Development Cooperation Agency (SIDA).

Finally, this tool benefited from the detailed review and copy-editing of Dr. Phil Glover (Curtin University) as well as the graphic design and layout by Jessica Marasovic.

Abbreviations and acronyms

| | | |
|---|---|--|
| CCA | CCRF | CEDAW |
| Climate change adaptation | Code of Conduct for Responsible Fisheries | Convention on the Elimination of All Forms of Discrimination Against Women |
| CFI | COFI | CSO |
| Coastal Fisheries Initiative | Committee on Fisheries (of FAO) | Civil society organization |
| DRM | EAF | FAO |
| Disaster risk management | Ecosystem approach to fisheries | Food and Agriculture Organization of the United Nations |
| FMPs | GEF | HRBA |
| Fishery management plans | Global Environment Facility | Human rights-based approach |
| IGO | LEGN | MCSE |
| Intergovernmental organization | Development Law Service (of FAO's Legal Office) | Monitoring, control, surveillance and enforcement |
| NFIFL | NFISG | NGO |
| Fishery Policy, Economics and Institutions Branch (of FAO's Fisheries and Aquaculture Division) | Statistics and Information Branch (of FAO's Fisheries and Aquaculture Division) | Non-Governmental Organization |
| OOH | SSF | UN |
| One Ocean Hub | Small-scale fisheries | United Nations |
| UNDRIP | UNDP | UNEP |
| UN Declaration on the Rights of Indigenous Peoples | UN Development Programme | UN Environment Programme |
| WWF | | |
| World Wildlife Fund | | |

Coastal Fisheries Initiative

Coastal fisheries are vital to millions of people, providing healthy food, supporting livelihoods and generating revenues for local communities and national economies. Yet, they put growing pressure on the marine environment, endangering aquatic species and threatening precious ecosystems.

The Coastal Fisheries Initiative (CFI) is a global effort to preserve marine resources and ensure that coastal fisheries can continue to play their crucial role in society, contributing to food security, as well as economic and social development.

Funded by the Global Environment Facility (GEF), the initiative brings together UN agencies and international conservation organizations behind the common goal of promoting the sustainable use and management of coastal fisheries, championing innovative approaches to improve governance and strengthening the seafood value chain.

The CFI is implemented by Conservation International, FAO, UNDP, UNEP, the World Bank and WWF. It capitalizes on growing political will for reform in fisheries governance and management and focuses, inter alia, on incorporating environmental, social and economic sustainability into policies, as well as legal and regulatory frameworks, particularly the SSF Guidelines.

The initiative provides hands-on support to coastal fisheries in six countries across three geographies: Indonesia, Latin America (Ecuador and Peru) and West Africa (Cabo Verde, Côte d'Ivoire and Senegal). The CFI also has a Challenge Fund, which aims to engage businesses in making coastal fisheries more sustainable and productive.

Echoing the vision that the “whole is greater than the sum of the parts”, CFI’s ambition is to pull together best practices and develop more holistic processes and integrated approaches to coastal fisheries management. This publication will be an essential knowledge product in pursuit of that goal.

1. Introduction

Small-scale fisheries (SSF) have been given increasing importance in international fora, especially following the 2014 endorsement of the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (hereafter “SSF Guidelines”) by the Committee on Fisheries (COFI) of FAO (FAO, 2014; 2015). The SSF Guidelines are a non-binding international instrument. It provides recommendations as to how States and non-State actors should adequately address relevant issues and challenges facing the achievement of benefits relating to the social, economic and environmental sustainability of SSF. The SSF Guidelines seek to support States in coherently interpreting their obligations under various binding treaties as well as recommendations in other non-binding instruments.

The SSF Guidelines do not provide a definition of SSF due to their inherent diversity and complexity (SSF Guidelines, 2014, Chapter 2 (2.4)). SSF include, but are not limited to, individual fishers (men, women, adults and children) who typically fish for subsistence and/or for local commercial purposes. Certain SSF products can reach regional and international markets. SSF usually use non-mechanized or low-mechanized fishing gear and small-scale vessels. SSF can also however describe fishers operating as small groups. These stakeholder groupings typically fish by means of fishing guilds, ‘colônias’, cooperatives or other formal or customary community-based schemes, or in conjunction with other stakeholders. These may include government authorities or non-governmental organizations (NGOs) in co-management arrangements. Traditional coastal and fishing communities participate in fishing activities and/or fishing-related activities. Examples of the latter include fishing net fabrication and small-scale aquaculture), as well as pre and post fish-harvesting operations. In some countries, SSF involves fishing by groups of Indigenous Peoples (FAO, 2015), tribes, migrants and peasants, all of whom are particularly vulnerable and marginalized (Béné, 2006).

Consequently, implementing the SSF Guidelines through policy and legal frameworks needs to consider this diverse and dynamic context, the relevant issues associated with it, and allow for those directly involved in SSF to be part of the process. Since 2014, many initiatives have been undertaken to progress the implementation of the SSF Guidelines (FAO, 2019; FAO, 2018; FAO, 2017a; Jentoft *et al.*, 2017). This work should continue and involve transdisciplinary activities with the active participation of public and private institutions, authorities, research networks, fishing communities and fishers working with or in SSF (Nakamura, Chuenpagdee and El Halimi, 2021; Kerezi *et al.*, 2020). Those initiatives that relate to policy coherence and national legislation are derived from what the SSF Guidelines specifically recommend:

“States should recognize the need for and work towards *policy coherence* with regard to, *inter alia*: national legislation; international human rights law; other international instruments, including those related to Indigenous Peoples; economic development policies; energy, education, health and rural policies; environmental protection; food security and nutrition policies; labour and employment policies; trade policies; disaster risk management (DRM) and climate change adaptation (CCA) policies; fisheries access arrangements; and other fisheries sector policies, plans, actions and investments in order to promote holistic development in small-scale fishing communities. Special attention should be paid to ensuring gender equity and equality”.

(SSF Guidelines, Chapter 10 (10.1))

This key recommendation of the SSF Guidelines highlights the various relevant issues that should be covered by countries' policy and legal frameworks. The SSF Guidelines represent an international instrument focused on fisheries, but they also hold broader relevance, going beyond matters that have been traditionally the focus of fisheries legislation. This includes: fisheries access regimes; management (catch/output controls, effort/input controls, fishery management plans (FMPs), spatial and temporal controls etc.); conservation measures; and monitoring, control, surveillance and enforcement (MCSE). The SSF Guidelines possess a particular focus on the needs of the *people* involved in SSF throughout the *entire value chain*, from the preparatory activities stage through to the post-harvesting stage. The SSF Guidelines also have particular regard to the *impacts* of unsustainable fishing on livelihoods.

1.1. Importance of policy and legal instruments for small-scale fisheries

Many of the issues highlighted in the SSF Guidelines should be addressed to the greatest degree possible by national policy and legal frameworks. Objectives are to be achieved through the *human rights-based approach (HRBA)* and *guided by the ecosystem approach to fisheries (EAF)* (SSF Guidelines, 2014, Chapters 1 (1.2) and 3 (3.1(11))). Adopting the HRBA means that small-scale fishers and their communities are empowered to participate in decision-making processes and assume responsibilities for the sustainable use of fishery resources (FAO, 2020). The HRBA supports the coherent implementation of each country's international human rights obligations in different sectors. Using the EAF means that all parts of, and interactions within, ecosystems, as well as the livelihoods and cultures of small-scale fishing communities are taken into account. These are then addressed through cross-sectoral coordination in combination with integrated and adaptive risk-based management. The EAF supports the coherent implementation of each country's international environmental

law obligations in the fisheries sector. By employing these approaches, authorities are accountable for ensuring respect for human rights in their decisions and in regulating and monitoring private actors through integrated risk-based management of fishery resources and associated ecosystems.

Policies and laws both hold importance for SSF. In certain countries, the national fisheries policy is provided and/or approved by law, for example in Brazil (Brazil, 2009) and Cabo Verde (Cabo Verde, 2020). In a majority of countries, however, there is a clear difference between a fisheries policy, which is non-binding, and a fisheries-related law, which is binding and enforceable by means of administrative and judicial proceedings. The functions of fisheries policies and laws may also vary by country, and a general description of such functions is presented in **Figure 1**.

Figure 1.
Functions of fisheries policy and legislation

Fisheries policies

- identify opportunities and challenges, setting out the strategies, priorities and action-points that fisheries authorities and relevant stakeholders should address in a country;
- provide action points, mechanisms, programmes which can be monitored and regularly reviewed; and
- influence how national laws are understood and implemented by different actors.

Both

- can have a transformative effect on State and non-State actors' behaviours, by explicitly referring to SSF matters and ensuring, or at minimum fostering, the attention of governments and relevant stakeholders to SSF issues;
- specify the government authorities and other relevant stakeholders to be involved in the implementation of the SSF Guidelines, and clarify their roles; and
- clarify roles and modalities of cooperation across different authorities.

Fisheries legislation

- ensure clarity with regard to the duties to recognize, respect, protect and fulfil the human rights of fishers, and access to justice and remedies in case of violations;
- delineate the mandate/power of fisheries authorities and institutions, and define their duties to ensure sustainable fisheries and respect for human rights, including by regulating and controlling the conduct of private actors;
- clarify the responsibility of private actors to respect the human rights of small-scale fishers; and
- ensure protection for the most vulnerable groups (e.g. women, children, Indigenous Peoples), including preferential rights and differentiated responsibilities.

Consistent with the HRBA, both policies and laws need to be aligned with international human rights law. In particular, laws are necessary to prevent discrimination or regression from international human rights obligations. They should clarify both public duties and the obligations of private actors to respect the human rights of small-scale

fishers, so as to ensure access to justice and remedies in case of violations (Morgera and Nakamura, 2021).

The process of implementing the SSF Guidelines by means of policy and legal instruments should preferably commence with the development of an SSF policy, as this can enable a less technical discussion of key priorities for the sector. However, this sequence may not necessarily be followed in all countries.² Policy development can support the setting a government's priorities, reflecting the international environmental and human rights obligations of a particular country as addressed in its Constitution. Legislation based on this can then be enacted or existing legislation amended in order to meet emerging needs and address relevant issues. Legislation establishes enforceable rules, thus guaranteeing rights and ensuring that relevant persons working with and within SSF not only discharge their duties and responsibilities, but are held accountable.

According to the HRBA, both policy and law development need to ensure the full and effective participation of small-scale fishers, as both instrument types affect how their human rights are understood and protected. Particular attention should be paid to the need for culturally appropriate ways to engage with Indigenous Peoples, to finding effective ways for women, children, and persons with disabilities to express their views, and to establishing a safe and enabling environment for environmental human rights defenders.

Policy and legal instruments both require to be well understood before they can be effectively and coherently applied in practice. It is incumbent on the key stakeholders or those working with and within SSF, including the small-scale fishers themselves, to know which national policy and legal instruments are relevant to SSF, and which parts of these policies and which particular legislative provisions deal with SSF. Comprehension is fundamental to advancing the implementation of the SSF Guidelines while strengthening the application of such instruments based on the recommendations within them.

1.2. Legislating for sustainable small-scale fisheries

The present tool was developed based on a previous FAO guide, the *"Legislating for Sustainable Small-Scale fisheries – A guide and considerations in implementing aspects of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication in national legislation"* ('SSF Legislative Guide')

² It may be that a fisheries policy is adopted and influences legislation already in place. For instance, the Policy for the Small-Scale Fishery Sector in South Africa of 2012 influenced further legal amendment in 2014 to the Marine Living Resources Act of 1998, as well as the development and adoption of the Regulations relating to Small-Scale Fishing of 2016.

(FAO, 2020). The [SSF Legislative Guide](#) helps users by:

- explaining the international law regime relevant for SSF;
- clarifying the basis for legislating for SSF according to the SSF Guidelines;
- identifying which parts of the SSF Guidelines require implementation through legislation;
- suggesting the approach to follow in seeking the views of stakeholders in the legislative process; and
- providing guidance on how to structure and align the national legal framework with the SSF Guidelines.

The legal system of each country (e.g., civil law, common law, customary law as well as plural legal systems) will determine how governments may legislate for SSF. The [SSF Legislative Guide](#) highlights three main options:

- i. amendments enabling the inclusion of SSF in existing *primary* legislation that generally purports to regulate fisheries or wildlife management and conservation (i.e., act, code, law, statute);
- ii. enactment of new *primary* legislation specifically devoted to SSF; and
- iii. promulgation of new *secondary* legislation setting out the requirements under the primary fisheries legislation in more detail (e.g., decree, regulation, order, ordinance),

or a combination of these three options.

The [SSF Legislative Guide](#) emphasizes the need to ensure public participation in the legislative process, in line with the HRBA and the SSF Guidelines. This can be ensured by establishing a process of consultation. The consultation process should be broadly publicized in all applicable languages, and include all relevant SSF stakeholders, especially women, Indigenous Peoples, vulnerable groups and small-scale fishing communities, so they are offered the opportunity to meaningfully participate in the legislative process.

The [SSF Legislative Guide](#) is supported by illustrative examples of existing national legislation demonstrating how each part and any relevant sub-parts of an SSF-specific legal instrument should be structured and presented. It also highlights the challenges present in legislating for SSF. It draws from the typical outline/subjects of fisheries primary legislation and adapts them so as to demonstrate how they should address SSF issues in respect of: institutional and administrative arrangements; tenure and access rights in SSF; management, conservation and development of SSF; social development; MCS in SSF, enforcement, access to justice, accountability and effective remedies for SSF.

Chapter 3 of the [SSF Legislative Guide](#) highlights the importance of assessing existing national legislation (within and beyond the fisheries sector) prior to designing and drafting new fisheries law. The present tool was therefore designed so that users can conduct such assessments. Both materials are important in the implementation of the SSF Guidelines and should be used together. While the present tool can be used to firstly conduct assessments of existing national legal and policy frameworks, the [SSF Legislative Guide](#) provides detailed information on SSF and associated legal issues, which can help users when conducting the assessments.

2. Small-scale fisheries policy and legal diagnostic tool

The SSF Guidelines implementation process, as outlined in Chapter 10 (10.1) therein, requires a coherent alignment of the legal and policy frameworks relevant to SSF at national level. To this end, the present work (hereafter 'SSF Policy and Legal Diagnostic Tool') was developed to provide supplementary material to the [SSF Legislative Guide](#), aiming to advance the work produced in it, and to contribute to the overall implementation of the SSF Guidelines, while raising awareness of the importance of the SSF sector, supporting SSF more generally, and fostering sustainability in SSF.

The SSF Policy and Legal Diagnostic Tool promotes the adoption of a holistic analysis of various national policy and legal instruments, with a view to enhancing the application of national *fisheries* policy and legal instruments for the benefit of sustainable SSF.

2.1. Scope and structure

The main purpose of the SSF Policy and Legal Diagnostic Tool is to identify the existence of gaps in national *fisheries* policy and legal instruments regarding their alignment with the SSF Guidelines. The analysis of the Constitution (where applicable) and of other policy and legal instruments on other subjects (e.g., human rights, the environment) is considered. The objective is to provide support for the assessed fisheries instruments and facilitate the use of policy and legal instruments in these other subject areas in order to potentially fill in any identified gaps.

Following an introduction to the approach used in the development of this tool (Sections 1 and 2), initial guidance is then offered in: identifying the relevant international legal instruments for SSF; these instruments' status in a particular country, and the national policy and legal framework relevant to the SSF context (Section 3). The tool then offers guidance as to how to conduct a preliminary assessment of the implementation of the SSF Guidelines in selected national *fisheries* policy and legal instruments using a checklist (Section 4 and 5). Final remarks conclude the tool (Section 5).

2.2. Methodology and annexes

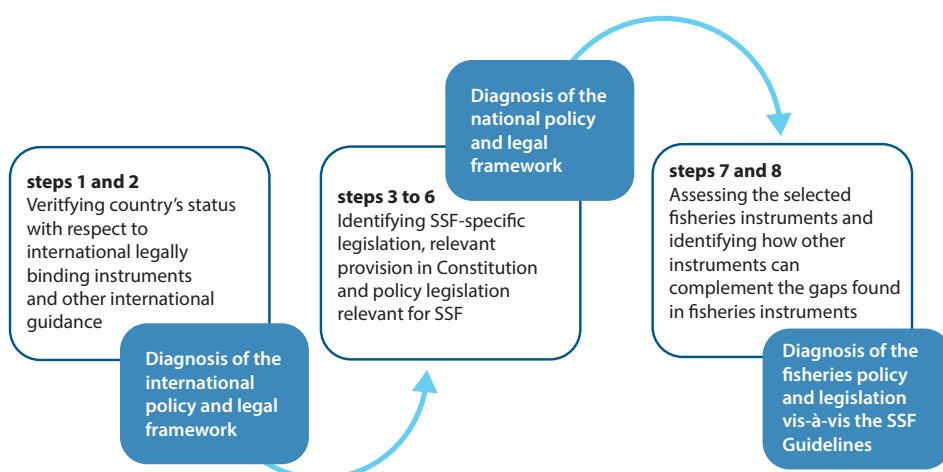
The development of the SSF Policy and Legal Diagnostic Tool uses the methodology applied in previous works of FAO. The influence of *A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks* (FAO, 2021) and *Implementing the Convention on International Trade in Endangered Species*

of Wild Fauna and Flora (CITES) through national fisheries legal frameworks: a study and a guide (Nakamura and Kuemlangan, 2020) is particularly significant. Based on the approach used in these prior works, the SSF Policy and Legal Diagnostic Tool sets out eight practical steps for users to follow, together with guidance on how to use each step (see **Diagram 1**). It also provides the following annexes to facilitate the assessment:

- a template for identifying any legally binding international instruments relevant to SSF which a country has signed, ratified or is adhering to (**Annex A.1**);
- a template for identifying any non-binding international instruments relevant to SSF which a country has committed to implement at national level (**Annex A.2**);
- a template for assessing the coherence between national fisheries policy with the other issues identified in the SSF Guidelines (**Annex B**)³ and
- a checklist template for assessing the implementation of the SSF Guidelines in selected national *fisheries* policy and legal instruments (**Annex C**).

Note that the lists of international legal instruments provided in **Annexes A.1** and **A.2** are non-exhaustive. They reflect the instruments mentioned in the SSF Guidelines and any others identified as being relevant to SSF. The user can include any additional instruments deemed appropriate in the templates and assess them accordingly. These might include regional and/or sub-regional legal instruments that are relevant for SSF.

Diagram 1.
Steps of the SSF Policy and Legal Diagnostic Tool



³ That is, on human rights, Indigenous Peoples, economic development, energy, education, health, rural development, environmental protection, food security and nutrition, labour and employment, trade, disaster risk management, climate change adaptation, and gender equity and equality.

2.3. Potential users

The SSF Guidelines contain numerous requirements which any State, with the support of relevant stakeholders, can opt to incorporate through national policy and legal frameworks. It is advantageous to implement the SSF Guidelines by involving the broadest possible range of relevant stakeholders. According to the SSF Guidelines, these might include FAO Members and non-Members, at all levels of the country (e.g., state, department, municipality, community), as well as sub-regional, regional, international and intergovernmental organizations (IGOs). Based on the HRBA, **small-scale fisheries actors**, including fishers, fish workers, their communities, traditional and customary authorities and related professional organizations should be included as early as possible in the process, as well as being provided with meaningful opportunities to influence it. In addition, civil society organizations (CSOs), research and academic institutions, the private sector, non-governmental organizations (NGOs) and all others concerned with the fisheries sector, coastal and rural development and the use of the aquatic environment should play meaningful roles (SSF Guidelines, 2014, Chapter 2 (2.3)).

Users of the SSF Policy and Legal Diagnostic Tool can include any SSF actor, including small-scale fishers. It is also fundamental that users of this tool engage with SSF actors in both formal and informal ways, as appropriate, with a view to reaching the grassroots and ensuring that they are part of the process. According to the HRBA, SSF actors need to be part of the policy and law review and development processes. This will ensure that any reform proposed, or decision made is attentive to their needs and concerns, as well as ensuring that their human rights are respected. As regards the specific issues of customary tenure, customary laws and the collective rights of Indigenous Peoples over areas and resources, proper understanding can only arise through dialogue with representatives of Indigenous Peoples and other communities. Respecting SSF actors' participatory rights also contributes to increasing the awareness among SSF actors of the relevant policies and laws, and consequently their capacity to contribute to the effective implementation of them.

The SSF Policy and Legal Diagnostic Tool has been designed to assist any of the actors just described in:

- i. the overall implementation of the SSF Guidelines through policy and legal frameworks;
- identifying the national *fisheries* policy and legal instruments relevant for SSF in a country;
- conducting a preliminary assessment of the extent to which those selected national *fisheries* policy and legal instruments are aligned with the SSF Guidelines, and

- ii. developing potential recommendations for enhancing coherence and mutual complementarity within the national policy and legal frameworks relevant for SSF in a country.

3. Domestic implementation of international legal instruments relevant to small-scale fisheries

The SSF Guidelines refer to several legally binding and non-binding international instruments that are relevant to, and that can thus contribute towards, sustainability in SSF. Chapter 3 of the [SSF Legislative Guide](#) elaborates on this international legal framework, which provides for the governance of SSF at global level. In support of this, the SSF Policy and Legal Diagnostic Tool assists its users to better understand the extent to which a particular country has committed to international obligations related to SSF, and to identify which national policy and legal instruments reflect their implementation.

3.1. Step 1: identify a country's status in respect of legally binding international instruments

A country which is party to a legally binding international instrument has become obliged to implement the legal requirements derived from that instrument at the national level. For a country to be considered a party to a legally binding international instrument, the country must have ratified, acceded to, approved or accepted it. A mere signature to an instrument is not sufficient to evidence that a State has become a party, unless it is explicitly stated that the act of signing brings the binding instrument into force. Ordinarily, therefore, a signature on a legally binding international instrument has the effect of subjecting the signing country to the obligation of refraining from acts that defeat the object and purpose of the international instrument. Once the country becomes a fully-fledged party to the international instrument, it is expected that the country will provide a national instrument to give effect to it.

While international environmental instruments often provide flexibility enabling a party/country to choose a policy or legal instrument to ensure implementation, international human rights treaties require implementation through a national legal instrument. For instance, a country that has become party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), one of the legally binding international instruments mentioned in the SSF Guidelines (Chapters 3 (3.1)-(2) and 8 (8.2)), would be expected to implement that treaty by enacting specific national legislation for the protection of women and the adoption of a national plan for the protection of women. Examples of existing national policies and/or legislation which reflect or relate to the implementation of various legally binding international instruments are provided in **Annex A.1**.

Orientation 1: Using Annex A.1

- (a) verify the status of a country with respect to SSF-relevant legally binding international instruments;
- (b) identify the national policy(ies) and/or law(s) that implement those international instruments at the national level.

3.2. Step 2: identify additional relevant non-binding international instruments

Non-binding international instruments are helpful in supporting the coherent implementation of legally binding instruments within a country. In some instances, the content of these instruments may reflect international obligations for countries or reflect general principles of international law (Edeson, 1999; Korseberg, 2020; Morgera and Nakamura, 2021), such as the FAO Code of Conduct for Responsible Fisheries (CCRF), FAO Deep-Sea Fisheries Guidelines, and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In other instances, non-binding instruments may be relied upon for the purpose of monitoring compliance with legally binding instruments or they may be recognized as having acquired further legal weight over time in light of States' practice. From a practical perspective, they establish good practice that should be followed by States as they support coherence in national implementation.

It is also possible for countries to give legally binding force to these non-binding international instruments at national level. For example, the SSF Guidelines have been reflected in national legislation in some countries (e.g. Costa Rica, 2015; South Africa, 2016). From an international law perspective, a country that has negotiated and supported a non-binding international instrument is expected to take it into account in its domestic implementation action as a matter of good faith (Boyle and Chinkin, 2007). Some examples of existing national legislation which reflect non-binding international instruments are provided in **Annex A.2**.

Orientation 2: Using Annex A.2

- (a) identify additional international guidance to support a country's coherent implementation of its international obligations relevant to SSF;
- (b) identify the national policy(ies) and/or law(s) that reflect the relevant non-binding international instruments at national level.

3.3. Expected outcomes from Steps 1 and 2

These first two steps will allow the user to have a broad overview of how a country has been implementing international legal instruments relevant to SSF. Consequently, the user will know which national policy and/or legal instruments support the implementation of the SSF Guidelines in a particular country and which can apply to SSF at the domestic level. The user will also know which international legal instruments require more detailed inclusion in policy and/or legal instruments at national level in order to be implemented. This overview can inform and support future initiatives of the relevant government in the following:

- becoming a party to the legally binding international instrument relevant to SSF;
- implementing legally binding international instruments to which the country is a party in its national policy and legal instruments;
- implementing an instrument to which the country is not yet a party, but in which it has an interest;
- relying on non-binding international instruments to ensure coherence in the implementation of international legal instruments, through the adoption of new policies, enactment of new legal instruments, or amendment of existing policy and legal instruments.

4. National policy and legal instruments relevant to small-scale fisheries

The SSF Guidelines are broad in scope, addressing a variety of issues that are important for meeting its overall objective of achieving sustainability in SSF through the HRBA (FAO, 2017b) and the EAF (Garcia et al, 2003; De Young, Charles and Hjort, 2008). Traditionally however, national fisheries policy and legal instruments have not addressed the full range of social, cultural, economic and environmental concerns (for instance, climate change and human rights) related to sustainable fisheries, but have tended to focus on the operationalization of the fishing activity itself. Fisheries legislation has a delineated scope in the matters it typically addresses (Kuemlangan, 2005), and it is only more recently that these matters have incorporated broader environmental and socio-cultural issues. It would therefore not be expected that many existing national policy and legal instruments relevant to fisheries would offer a comprehensive framework for enabling sustainable SSF (e.g. Nakamura and Hazin, 2020).

In Steps 1 and 2 outlined previously, the user identifies the national policy and legal instruments from other areas of law not directly related to the fisheries domain, because these may still have relevance to SSF.⁴ These instruments can complement fisheries-specific policy and legal instruments. For example, where a human rights, gender-related or specific environmental concern (e.g. environmental impact assessment) is not sufficiently covered by a particular fisheries policy and/or legal instrument, then the identified human rights-specific policy and legal instrument can be examined together with the fisheries instrument with a view to implementing the SSF Guidelines.

The next steps of the SSF Policy and Legal Diagnostic Tool involve guiding the user as to how to identify and select specific national policy and legal instruments of relevance to SSF, including Constitutional laws or other fundamental laws, fisheries-related primary and secondary legislation, and fisheries policies.

4.1. General orientations for assessing national fisheries policy and legal instruments

In assessing the SSF Guidelines applicability to a country's policy and legal frameworks, it is suggested that the user searches for the relevant instruments by reference to the

⁴ That is, on human rights, Indigenous Peoples, economic development, energy, education, health, rural development, environmental protection, food security and nutrition, labour and employment, trade, disaster risk management (DRM), climate change adaptation (CCA) and gender equity and equality.

respective country's profile within the [FAOLEX database](#) (FAO, n.d-b), and other official governmental websites that may exist.

In selecting the fisheries **policies**, the user should be careful to ensure identification of those that are **current**. Policies are usually adopted for a specific timeframe, and this may vary from four to 20 years. If the fisheries policy relates to a timeframe prior to 2020, the default recommendation is that it needs to be reviewed and updated.

In selecting the fisheries **legislation**, the user should be careful to ensure identification of those that are currently **in force**. Legal instruments may have been partially or entirely amended, revoked, or may have been considered as being no longer valid by a legislative, judicial or administrative order.

4.2. Step 3: identify specific national policies and legislation relevant to small-scale fisheries

In cases where a country already has SSF-specific policy and/or legislation, it is suggested that assessment should commence from these pieces of policy and/or legislation. Having a SSF-specific policy or legislation may indicate a conscious and deliberate goal on the part of the legislature of aligning the country's policy and legal framework with the SSF Guidelines. Whether the SSF-specific policy or legislation is explicitly aimed at implementing the SSF Guidelines however, depends on assessing whether they adequately implement each of the recommendations of the SSF Guidelines.

If the country has no SSF-specific national legislation, but intends to draft the same, then the main guidance for such drafting is provided by the [SSF Legislative Guide](#).

Orientation 3:

- (a) verify if the country has SSF-specific national policy and/or legislation that is in force and valid;
- (b) assess whether SSF-specific national policy and/or legislation adequately implements the SSF Guidelines;
- (c) if there is no specific national legislation, use the [SSF Legislative Guide](#) if the country intends to draft new legislation.

4.3. Step 4: analyse the Constitution or fundamental law

The Constitution or the fundamental law (e.g. Equatorial Guinea, 2012) of the country should be assessed. As highlighted in the [SSF Legislative Guide](#), in some countries the Constitution or fundamental law provides for specific rights of people involved in SSF (e.g. Thailand, 2007), and may reflect human rights standards by making provision for civil and political rights as well as those to food, culture and to a healthy environment. Where a Constitution or fundamental law contains human rights, environmental rights, or even fisheries-specific provisions, these provisions should be considered as being relevant to SSF and used to support other legislative provisions that are relevant to achieving implementation of the SSF Guidelines.

Orientation 4:

- (a) analyse the country's Constitution or fundamental law to determine whether it provides for human rights, environmental rights or fisheries-specific issues; select applicable SSF-relevant provisions;
- (b) use Constitutional/fundamental law provisions to assess the adequacy of policy and/or legislation relevant to SSF;
- (c) reflect Constitutional/fundamental law provisions relevant for SSF when drafting any policy and/or legal instruments for SSF or amending existing policy and/or legal instruments for SSF, using the [SSF Legislative Guide](#).

4.4. Step 5: select and analyse the national fisheries policy

The national *fisheries* policy is a plan, policy, strategy or action plan that will be relevant for fisheries, or in some way relatable to wildlife, sea, oceans, sustainable development, management and/or conservation. Chapter 10 (10.1) of the SSF Guidelines refer to the many various issues that SSF-relevant policies should cover. These include not only fisheries, but also human rights, Indigenous Peoples, economic development, energy, education, health, rural development, environmental protection, food security and nutrition, labour and employment, trade, disaster risk management, climate change adaptation, and gender equity and equality.

The SSF Policy and Legal Diagnostic Tool focuses on the national *fisheries* policy to evaluate the extent to which that policy addresses the aforementioned issues. Issues not covered by the national fisheries policy may be addressed by policies relating to other sectors. This complementarity between policies should be analysed with a view to clarifying their compatibility and the potential for mutual support.

Orientation 5:

- (a) select the national *fisheries* policy that it is current and applicable at the time of the assessment;
- (b) assess the selected national *fisheries* policy using **Annex B** to identify its coherence and cross-reference with other issues addressed in the SSF Guidelines; and
- (c) identify other national policies relevant to SSF that address issues not covered by the national fisheries policy.

4.5. Step 6: select the primary and secondary fisheries legislation

Considering that the SSF Guidelines emphasize many other social and environmental issues that fisheries laws and regulations do not normally cover, it follows that not all fisheries-related primary or secondary legislation will implement the SSF Guidelines. These broader issues may be found in legislation beyond the fisheries-specific domain and this should therefore be examined together with the relevant fisheries' legal instruments. The focus of this SSF Policy and Legal Diagnostic Tool, however, is on assessing the degree of implementation of the SSF Guidelines in national *fisheries* policy and legal instruments.

For the purpose of this SSF Policy and Legal Diagnostic Tool, *fisheries primary legislation* describes the main legal act, code, law, or other type of legal instrument that has been formally enacted by the relevant government, and which usually outlines the broad general requirements for fisheries management, development and MCSE measures. It will often reflect the country's international obligations relating to achieving and maintaining sustainable fisheries. Primary legislation might also implement a national fisheries policy. *Fisheries secondary legislation* describes any decree, regulation, order or ordinance setting out the requirements under the main fisheries primary legislation in substantially greater detail.

Orientation 6:

- (a) select the *fisheries primary legislation* currently in force; and
- (b) select the *fisheries secondary legislation* currently in force.

4.6. Expected outcomes following on from Steps 3 to 6

After following the previous steps, the user will have a better understanding of how SSF issues and the SSF Guidelines are encapsulated in the Constitution or fundamental law of a particular country, as well as in its *fisheries* law (primary and secondary). Such laws as identified and any associated policy should then be assessed against the legal checklist template as per Step 7.

Such overview can inform and support future initiatives of the relevant government in the following:

- carrying out reviews of the assessed fisheries policy and legal instruments to ensure ongoing coherence and cross-referral to other relevant policy and legal instruments;
- mainstreaming issues of relevance to SSF in current policies and in policies under development.

5. Small-Scale Fisheries Guidelines policy and legal checklist

The SSF Guidelines policy and legal checklist (**Annex C**) provides the SSF Guidelines requirements that should be reflected in the national fisheries policy and legislation where appropriate. These requirements have been identified following an examination of each part of the SSF Guidelines, whereupon they have been structured as provisions. The SSF Guidelines policy and legal checklist is designed to enable the user to evaluate whether the identified SSF Guidelines requirements are in fact incorporated in the assessed fisheries policy and legal instruments.

The assessment of selected pieces of national fisheries policy and legislation against the SSF Guidelines policy and legal checklist should provide a preliminary diagnosis of the extent to which the national fisheries policy and legal frameworks relevant to SSF in a particular country align with the SSF Guidelines.

5.1. Structure of the Small-Scale Fisheries Guidelines policy and legal checklist

Based on the division of subjects in the [SSF Legislative Guide](#), the SSF Guidelines policy and legal checklist is organized in nine parts. Some of these parts can be found in typical primary legislation relating to fisheries, while others relate to social and environmental dimensions that, although called for in the SSF Guidelines, are not typically found in fisheries-related primary legislation. These nine parts are:

1. Scope and definitions;
2. Objectives;
3. Principles;
4. Institutional and administrative arrangements;
5. Tenure and access rights;
6. Management, conservation and development;
7. Social development;
8. Monitoring, control and surveillance; and
9. Enforcement, access to justice, accountability and effective remedy.

5.2. Step 7: use the Small-Scale Fisheries Guidelines policy and legal checklist

The national *fisheries* policy, *fisheries* primary legislation and *fisheries* secondary legislation as identified and selected should be listed first with information presented in **Table 1**. In this table, the first column specifies the type of instrument (i.e. policy, primary legislation, secondary legislation). The second column provides the letter and number (i.e. A1, A2, B1, B2, etc.) allocated to each selected instrument. The third column provides the title of the instrument and the fourth lists the effective year (for legislation this is the year enacted and for policy this is the year adopted) and/or the timeframe (of duration of the policy). The last column indicates amendments, if any, that have been made to the legislation (this does not apply to policies). Table 1 is reproduced in greater detail in **Annex C**, but the simplified sample below **illustrates** how to use it.

| Table 1. Information of selected national fisheries policy and legal instruments assessed in the SSF Guidelines policy and legal checklist | | | | |
|---|----------------|---|-------------------|------------|
| Type | Identification | Original title (with English translations) | Year or timeframe | Amendments |
| Policy(ies) | A1, A2... | | | |
| Example | A1 | <i>Carta a favor da promoção do Crescimento Azul</i> [Charter in favour of the promotion of Blue Growth] | 2015 | N/A |
| Primary legislation | B1, B2... | | | |
| Example | B1 | <i>Decreto-Legislativo Nº 2 define o regime geral da gestão e do ordenamento das atividades de pesca nas águas marítimas nacionais e no alto mar</i> [Legislative Decree No. 2 defines the general regime for the management and planning of fishing activities in national marine waters and on the high seas] | 2020 | No |
| Secondary legislation | C1, C2... | | | |
| Examples | C1 | <i>Decreto-Lei Nº. 32 institui o Sistema de monitorização contínua dos navios por satélite</i> [Decree-Law No. 32 establishes the satellite vessel monitoring system] | 2012 | No |
| | C2 | <i>Decreto-Lei Nº. 48 estabelece o regime de autorização previa ao registo de embarcações de pesca industrial no registo convencional de pesca</i> [Decree-Law No. 48 establishing the regime of authorization prior to the registration of industrial fishing vessel in the conventional fishing registry] | 2007 | No |

To fill in the SSF Guidelines policy and legal checklist, the user should search the SSF Guidelines requirements in each of the selected fisheries policy and legal instruments. The objective is to assess whether each SSF Guidelines requirement is *fully* or *sufficiently* reflected in at least one of these fisheries instruments. The process should commence with the fisheries policy, then the fisheries-related primary legislation and finally the fisheries-related secondary legislation. Once the user finds that a requirement was *fully* or *sufficiently* reflected in the relevant primary legislation, the user will not need to search for the same requirement in secondary legislation. It is possible that, in analysing the instruments, the user may encounter more elaborate or detailed provisions addressing the same requirement in one instrument than those found in another instrument. In such cases, the user should be attentive in noting any differences or contradictions found. These observations should be included as comments in the last column of the SSF Guidelines policy and legal checklist.

The user should indicate the exact reference position within the fisheries policy (e.g. the chapter, section or page), the exact provision within the primary legislation (e.g. the article, section or clause) and the exact provision as found in the secondary legislation (e.g. regulation, article or section) that corresponds with the policy or legal requirement fully or sufficiently meeting the SSF legal requirement, or which is *partially* or *insufficiently* meeting the SSF legal requirement. When partially met, the user should provide an explanatory note in the respective column of the SSF Guidelines policy and legal checklist. The explanatory note should also include a reflection of concerns or questions as to whether international human rights are sufficiently protected in legislation, as opposed to policy, or whether there are questions as to their enforceability.

The user should fill in the SSF Guidelines policy and legal checklist using the symbols listed in **Table 2** according to the respective fisheries instruments assessed.

| Table 2. Meaning of symbols used in the SSF Guidelines policy and legal checklist | | |
|--|--|---|
| Symbol | Perceived level of alignment with the SSF Guidelines | |
| ✓ | Full or sufficient | Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation that <i>totally reflect</i> the SSF legal requirement. |
| ∅ | Partial or insufficient | Part(s) in the assessed policy or provision(s) in the assessed legislation that <i>partially reflect</i> the SSF legal requirement. |
| × | None or inexistent | No part in the assessed policy or relevant legislative provision was found that reflected the SSF legal requirement. |
| ● | Not considered | No assessment was carried out because the SSF legal requirement was fully or sufficiently found in the fisheries primary legislation. |

A more in-depth analysis will be required to understand how the SSF Guidelines requirements attracting the Ø (**partial or insufficient**) symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. This is beyond the scope of this desk-based preliminary assessment.

Table 2 is also reproduced in Annex C. Below is an illustration of how the respective columns of the SSF Guidelines policy and legal checklist should look when filled in:

| Selected Fisheries Instrument | | | Legal or policy basis | Comments and explanatory notes |
|-------------------------------|---|---|--|---|
| A | B | C | | |
| ✓ | ✓ | ✓ | (A) Chapter ... or Page ... (B) Article ... or Section ... (C) Regulation ... or Article | - |
| Ø | ✓ | ● | (A) Chapter ... or Page ... (B) Article ... or Section ... | Reference in (A) is not clear, lacking ... |
| X | X | ✓ | (C) Regulation ... or Article | - |
| Ø | Ø | Ø | (A) Chapter ... or Page ... (B) Article ... or Section ... (C) Regulation ... or Article ... | Reference in (A) is not clear, lacking ... Provision in (B) is not clear, lacking ... Provision in (C) is not clear, lacking ... |
| X | X | X | - | While this requirement was not found in any assessed fisheries policy and legal instrument, it should be useful to analyse the human rights policy, which ... |

Where the user finds that the SSF legal requirement was *partially or insufficiently* met (Ø), the user should explain the reasons in the last column of the SSF Guidelines Checklist, as exemplified above. This last column can also be used to add any other relevant comment, recommendation and/or explanatory note to clarify, where appropriate, any nuances in the assessed policy and legal instruments.

Orientation 7:

- (a) identify the selected fisheries policy, fisheries primary legislation and fisheries secondary legislation using the Table in **Annex C**;
- (b) assess the selected fisheries policy, fisheries primary legislation and fisheries secondary legislation against the SSF Guidelines policy and legal checklist in **Annex C**;
- (c) fill in the SSF Guidelines policy and legal checklist following the instructions above;
- (d) make sure to note potentially relevant issues that may inform the recommendations based on the user's own assessment, including whether international human rights are sufficiently protected in legislation.

5.3. Step 8: verifying the complementary application of other policy and legal instruments

After having completed the SSF Guidelines policy and legal checklist, the user will have identified the main gaps in the assessed *fisheries* policy, *fisheries* primary legislation and *fisheries* secondary legislation. The existence of these gaps does not necessarily mean that these fisheries instruments require amendments or that a new fisheries policy and/or legislation require be drafted. It may be that other national policy and legal instruments from other sectors, such as those identified in steps 1, 2 and 4, can be used to bridge the identified gaps in the fisheries instruments. These other policy and legal instruments could therefore be used to further implement the SSF Guidelines requirements.

This step represents an important analysis to be conducted by the user of the SSF Guidelines policy and legal checklist and helps in avoiding the more difficult and cumbersome processes of amending policies and/or legislation or the development of new policy and legal instruments for another sector. In identifying the relevant complementary policy and legal instruments, the user can then inform the relevant stakeholders about these other instruments and how they can assist in the implementation of the SSF Guidelines. This also creates the opportunity to raise awareness of the need to interpret different policies and legislation in a coherent manner. An interpretative guide at national level could be developed for this purpose.

5.4. Expected outcomes from adherence to Steps 7 and 8

The preliminary assessment of selected national fisheries policy and legal instruments against the SSF Guidelines policy and legal checklist in steps 7 and 8 should result in findings and conclusions as to the degree to which the SSF Guidelines are being effectively implemented. Those working with and within SSF, including small-scale fishers, may not be aware of how the existing fisheries policies and legislation are of relevance to SSF. Consequently, this preliminary assessment will clarify the place and role of such fisheries policies and legislation, increase general awareness of them and foster their use in the SSF context. In summary, using the SSF Guidelines policy and legal checklist should:

- demonstrate a clear heritage between the national standards examined and international standards agreed by States at high-level fora, while demonstrating where these standards can more effectively impact the lives of small-scale fishers and their communities;
- facilitate the identification of specific parts in the *fisheries* policy and specific provisions in the *fisheries* legal instruments examined that are particularly relevant to SSF, and indicate either that they are fit for purpose or whether gaps exist vis-à-vis the SSF Guidelines;
- foster understanding of the importance of the observance and application of these policy and legal instruments by all stakeholders involved with and in SSF in implementing the SSF Guidelines; and
- identify gaps in the assessed policy and legislation, which can serve as the basis for future policy and legal reviews or reforms. Legal reforms or amendments in particular may be required to ensure the HRBA is implemented.

In addition to these outcomes, it may also be that the gaps in fisheries policy and legal instruments can be addressed by other policy and legal instruments outside of the fisheries-specific domain. Those issues identified and addressed in **Annex B** may indicate the other instruments which may be used to complement the insufficient alignment of the assessed fisheries policy and legal instruments with the SSF Guidelines. This can lead to different action points for strengthening the national policy and legal framework of a country, including persuading a variety of sectors to work together with the fisheries sector to address gaps in implementation of the SSF Guidelines.

6. Conclusion

6.1. Summary of Steps 1 to 8 and the expected outcomes

The SSF Policy and Legal Diagnostic Tool feeds into Chapter 3 of the [SSF Legislative Guide](#) by supporting the implementation of the SSF Guidelines through national policy and legal frameworks. The following are the expected additional impacts or outcomes for the user in taking Steps 1 to 8:

- improved understanding of the national legal instruments relevant to SSF, as well as their connections with policy;
- enhanced knowledge of how to assess the alignment of fisheries legislation with the SSF Guidelines by using the SSF Guidelines policy and legal checklist;
- ability to identify relevant gaps in the assessed fisheries policy and legislation that may inform future policy and legal reviews and reforms;
- ability to foster cross-sectoral references and mainstreaming of SSF issues in national policies relevant to SSF; and
- ability to contribute to better implementation of the SSF Guidelines overall.

6.2. Final remarks

The SSF Policy and Legal Diagnostic Tool was developed to assist its users, principally SSF actors interested in the implementation of the SSF Guidelines, to gain a clearer orientation of the levels of adequacy of national policy and legal instruments by following the steps-based process outlined previously. This was designed to assess the extent to which a country has committed to implementing international instruments relevant to SSF, in particular the SSF Guidelines.

Where case-law constitutes part of a country's legal system, it is also important to analyse how national courts have recognized human rights of small-scale fishers as well as any other matter relevant to the achievement of sustainable SSF. A country's jurisprudence in respect of matters concerning SSF may have already addressed SSF issues and recognized fishers' human rights and any other relevant issue that supports their sustainability. The assessment of case-law goes beyond the scope of the SSF Policy and Legal Diagnostic Tool, but should be kept in mind for future research and assessments.

The SSF Policy and Legal Diagnostic Tool provides guidance on how to identify and analyse the Constitution or other fundamental laws, the national fisheries policy and national fisheries legal instruments relevant to SSF. For the fisheries instruments in particular, this tool suggests the use of the SSF Guidelines Checklist for conducting a preliminary assessment of the alignment of those fisheries instruments with the SSF Guidelines, and for identifying gaps and providing recommendations. Where the gaps could be addressed by policies and legislation outside the fisheries-specific domains, the SSF Policy and Legal Diagnostic Tool suggests an assessment of the policy and legal instruments of those other sectors in a coordinated manner with a view to achieve complementary implementation of the SSF Guidelines across different but relevant domains.

There may be several challenges hindering the implementation of the SSF Guidelines from a policy and legal perspective. It is fundamental that the users of the SSF Policy and Legal Diagnostic Tool apply this tool in a manner which ensures the involvement and engagement of small-scale fishers, small-scale fishing communities and organizations. Their non-participation or exclusion in this process may present challenges in implementing any recommendations arising from the use of the tool.

Table 3. Next steps for implementing the Small-Scale Fisheries Guidelines

- Inform and support future initiatives of governments in implementing the SSF Guidelines through national policy and legal instruments;
- Raise awareness on the national policy and legal instruments relevant to SSF, engaging with small-scale fishers in both formal and informal ways to reach the grassroots;
- Promote stakeholders, including small-scale fishers, cooperation and coordination in coherently applying existing national policy and legal instruments relevant to SSF; and
- Assist stakeholders in using and implementing this SSF Policy and Legal Diagnostic Tool!

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Annex A. Template for identifying the international legal instruments relevant to small-scale fisheries

| A.1 Legally binding international instruments relevant to small-scale fisheries | | | |
|--|--|------------------------------|------------------------------|
| Country Name: | | | |
| Date of assessment: | | | |
| Legally binding international instruments relevant to SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
| 1930 ILO Forced Labour Convention No. 29 | | | |
| 1946 International Convention for the Regulation of Whaling | | | |
| 1948 ILO Freedom of Association and Protection of the Right to Organise Convention | | | |
| 1949 ILO Migration for Employment Convention (Revised) No. 97 | | | |
| 1951 ILO Equal Remuneration Convention No. 100 | | | |
| 1957 ILO Abolition of Forced Labour Convention No. 105 | | | |
| 1958 ILO Discrimination (Employment and Occupation) Convention No. 111 | | | |
| 1965 International Convention on the Elimination of All Forms of Racial Discrimination | | | |
| 1966 International Covenant on Civil and Political Rights | | | |
| 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) | | | |
| 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat | | | |

A.1 Legally binding international instruments relevant to small-scale fisheries *(cont.)*

| Legally binding international instruments relevant to SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
|---|--|------------------------------|------------------------------|
| 1973 ILO Minimum Age Convention No. 138 | | | |
| 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) | | | |
| 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) | | | |
| 1982 United Nations Convention on the Law of the Sea (LOSC) | | | |
| 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | | | |
| 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families | | | |
| 1990 Convention on the Rights of the Child (CRC) | | | |
| 1992 United Nations Framework Convention on Climate Change (UNFCCC) | | | |
| 1992 Convention on Biological Diversity (CBD) | | | |
| 1994 WTO General Agreement Tariffs and Trade | | | |
| 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) | | | |
| 1999 ILO Worst Forms of Child Labour Convention No. 182 | | | |

A.1 Legally binding international instruments relevant to small-scale fisheries (cont.)

| Legally binding international instruments relevant to SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
|---|--|------------------------------|------------------------------|
| 2006 Convention on the Rights of Persons with Disabilities | | | |
| 2006 International Convention for the Protection of All Persons from Enforced Disappearance | | | |
| 2007 ILO Work in Fishing Convention No. 188 | | | |
| 2010 Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization | | | |
| 2015 Paris Agreement | | | |
| Other regional and/or sub-regional legally binding instruments relevant for SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
| 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms | | | |
| 1969 American Convention on Human Rights | | | |
| 1981 African Charter on Human and People's Rights | | | |
| 1990 African Charter on the Rights and Welfare of the Child | | | |
| 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa | | | |

| A.1.1 Examples of different countries on how to fill out the Template in A.1 | | | |
|--|--|---|------------------------------|
| International legally binding instruments relevant for SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
| Country name: Mauritania | | | |
| 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) | Party | Legislation - Law No. 2019-003/P/R concerning the illegal trade in endangered species of wild fauna and flora | - |
| Country name: Guatemala | | | |
| 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) | Party | Policy - National Policy for the Comprehensive Advancement and Development of Women and Equal Opportunity Plan 2008-2023 | - |
| Country name: Mozambique | | | |
| 1982 United Nations Convention on the Law of the Sea (LOSC) | Party | Policy - Resolution No. 39/2017 approving the Policy and Strategy of the Sea | - |
| Country name: Brazil | | | |
| 1990 Convention on the Rights of the Child (CRC) | Party | Legislation - Law No. 8069 of 1990 establishing the Statute of the Child and Adolescent | - |
| Country name: Chile | | | |
| 1992 United Nations Framework Convention on Climate Change (UNFCCC) | Party | Policy - National Strategy for Climate Change and Environmental Resources 2017-2025 | - |

A.1.1 Examples of different countries on how to fill out the Template in A.1 (cont.)

| International legally binding instruments relevant for SSF | Status (Signatory / Party / Not a Party) | Related Policy / Legislation | Comments / explanatory notes |
|---|--|---|------------------------------|
| Country name: Benin | | | |
| 1992 United Nations Framework Convention on Climate Change (UNFCCC) | Party | Legislation - Law No. 2018-18 on climate change in the Republic of Benin | - |
| Country name: Sierra Leone | | | |
| 1992 Convention on Biological Diversity (CBD) | Party | Policy - Second National Biodiversity Strategy and Action Plan 2017-2026 | - |
| Country name: Solomon Islands | | | |
| 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) | Party | Policy - National Fisheries Policy 2019-2029 | - |

A.2 Other non-binding international instruments relevant to small-scale fisheries

Country name:

Date of assessment:

| International guidance instruments relevant for SSF | Status (Implemented or not at national level) | Legal / Policy basis | Comments / explanatory notes |
|---|---|----------------------|------------------------------|
| 1968 Code of Safety for Fishermen and Fishing Vessels (revised) | | | |
| 1980 FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels | | | |
| 1992 UNGA Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities | | | |
| 1995 UN Fourth World Conference for Women's Beijing Declaration and Platform for Action (Beijing Declaration) | | | |
| 1995 FAO Code of Conduct for Responsible Fisheries (CCRF) | | | |
| 1999 UN Declaration on human rights defenders | | | |
| 2002 CBD COP Decision VI//7 Annex Akwé: Kon Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities | | | |
| 2004 FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines) | | | |
| 2005 FAO Technical Guidelines for Responsible Fisheries No. 10 "Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security" | | | |

A.2 Other non-binding international instruments relevant to small-scale fisheries (cont.)

| International guidance instruments relevant for SSF (cont.) | Status (Implemented or not at national level) | Legal / Policy basis | Comments / explanatory notes |
|---|---|----------------------|------------------------------|
| 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) | | | |
| 2010 FAO/ILO/IMO Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in Length and Undecked Fishing Vessels | | | |
| 2010 ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188) | | | |
| 2011 UN Guiding Principles on Business and Human Rights | | | |
| 2012 UN Conference on Sustainable Development' outcome document 'The Future We Want' | | | |
| 2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security (VGGT) | | | |
| 2013 CITES COP Resolution 16.6 (Rev. COP18) CITES and Livelihoods | | | |
| 2014 FAO Principles for Responsible Investment in Agriculture and Food Systems | | | |
| 2014 CBD COP Decision XII/5 Annex Chennai Guidance for the Integration of Biodiversity and Poverty Eradication | | | |
| 2015 UN Sustainable Development Agenda and the Sustainable Development Goal (SDG) | | | |

A.2 Other non-binding international instruments relevant to small-scale fisheries (cont.)

| International guidance instruments relevant for SSF (cont.) | Status (Implemented or not at national level) | Legal / Policy basis | Comments / explanatory notes |
|---|---|----------------------|------------------------------|
| 2016 CBD COP Decision XIII/18 Mo'otz Kuxtal Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of Indigenous Peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge | | | |
| 2016 FAO How-to Guide on Legislating for an Ecosystem Approach to Fisheries | | | |
| 2017 ILO Guidelines of flag State inspection of working and living conditions on board fishing vessels | | | |
| 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) | | | |
| 2015 A New Song for Coastal Fisheries, Pathways to Change: The Noumea Strategy | | | |
| Other international, regional and/or sub-regional guidance relevant for SSF | Status (Implemented or not at national level) | Legal / Policy basis | Comments / explanatory notes |
| 2015 Integration Policy of Fisheries and Aquaculture of the Central American Organization of the Fisheries and Aquaculture Sector (OSPESCA) for the Period 2015-2025 | | | |
| 2016 Regional Plan of Action for the Management of Fishing Capacity of the Association of the Southeast Asian Nations | | | |

A.2 Other non-binding international instruments relevant to small-scale fisheries (cont.)

| Other international, regional and/or sub-regional guidance relevant for SSF (cont.) | Status (Implemented or not at national level) | Legal / Policy basis | Comments / explanatory notes |
|--|---|----------------------|------------------------------|
| 2016-2020 Strategic Plan of the Lake Victoria Fisheries Organization | | | |
| 2017 Latin American and Caribbean Parliament Model Law for Artisanal or Small-Scale Fishing | | | |
| 2017 Resolution on the Future of the Southeast Asian Fisheries Development Center | | | |
| 2018-2022 Mekong Basin-wide Fisheries Management and Development Strategy of the Mekong River Commission | | | |
| 2018 Ministerial Declaration on a Regional Plan of Action for Small-Scale Fisheries in the Mediterranean and the Black Sea | | | |
| 2019 African Union Commission Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa | | | |
| 2019 Fisheries Committee for the West Central Gulf of Guinea's Regional Fisheries Management Plan | | | |

| A.2.1 Examples of different countries on how to fill out the Template in A.2 | | | |
|--|--|--|------------------------------|
| International non-formally binding instruments for SSF | Status (Implementing or not at national level) | Related Policy / Legislation | Comments / explanatory notes |
| Country name: Philippines | | | |
| 1968 Code of Safety for Fishermen and Fishing Vessels (revised) | Implementing | Policy - Department Order No. 156/16 of 2016 promulgating rules and regulations governing working conditions of fishers on board fishing vessels in commercial fishing operations | - |
| Country name: Burkina Faso | | | |
| 1995 FAO Code of Conduct for Responsible Fisheries (CCRF) | Implementing | Policy - National Strategy on the Sustainable Development of Fisheries and Aquaculture for the horizon 2025 | - |
| Country name: Nepal | | | |
| 2004 FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines) | Implementing | Policy - Zero Hunger Challenge National Plan 2016-2025 | - |
| Country name: Peru | | | |
| 2007 UNGA Declaration on the Rights of Indigenous Peoples (UNDRIP) | Implementing | Legislation - Law No. 29785 of 2011 on the Right of Prior Consultation with the Indigenous Peoples | - |

A.2.1 Examples of different countries on how to fill out the Template in A.2 (cont.)

| International non-formally binding instruments for SSF | Status (Implementing or not at national level) | Related Policy / Legislation | Comments / explanatory notes |
|---|---|--|------------------------------|
| Country name: Samoa | | | |
| 2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security (VGGT) | Implementing | Legislation - Customary Land Advisory Commission Act of 2013 | - |
| Country name: Bangladesh | | | |
| 2015 UN Sustainable Development Agenda and the Sustainable Development Goal (SDG) | Implementing | Policy - National Sustainable Development Strategy 2010-2021 | - |
| Country name: Timor-Leste | | | |
| ILO instruments | Implementing | Policy - National Employment Strategy 2017-2030 | - |
| Country name: Paraguay | | | |
| 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) | Implementing | Legislation - Law No. 6286 of 2019 on the Protection, Restoration and Promotion of the Family Peasant Agriculture | - |

Annex B. Template for assessing the coherence between national fisheries policy with the other issues identified in the Small-Scale Fisheries Guidelines

| Title of National Fisheries Policy: | Include the title of the policy / Year / Timeframe: | | | | |
|--|---|-----------|--|------------------------------|-----------------|
| Reference to any of the following issues in the National Fisheries Policy: | Yes / No | Ref. page | Ref. to other specific related national policy | Comments / explanatory notes | Recommendations |
| Human rights | | | | | |
| • Right to food | | | | | |
| • Right to adequate standard of living | | | | | |
| • Right to health | | | | | |
| • Right to property | | | | | |
| • Right to non-discrimination and equality | | | | | |
| • Right to decent work | | | | | |
| • Right to free choice of employment | | | | | |
| • Right to social security | | | | | |
| • Right to a healthy environment | | | | | |
| • Right to culture | | | | | |

Template for assessing the coherence between national fisheries policy with the other issues identified in the Small-Scale Fisheries Guidelines (cont.)

| Title of National Fisheries Policy: | Include the title of the policy / Year / Timeframe: | | | | |
|--|---|-----------|--|------------------------------|-----------------|
| Reference to any of the following issues in the National Fisheries Policy: | Yes / No | Ref. page | Ref. to other specific related national policy | Comments / explanatory notes | Recommendations |
| • Right to access to information | | | | | |
| • Right to education | | | | | |
| • Right to participation | | | | | |
| • Right to be consulted | | | | | |
| • Rights of Indigenous Peoples | | | | | |
| • Rights of women | | | | | |
| • Rights of the child | | | | | |
| • Rights of migrant workers | | | | | |
| Indigenous Peoples | | | | | |
| • Collective rights to territories and resources | | | | | |
| • Customary laws | | | | | |
| Economic development | | | | | |
| Energy | | | | | |

Template for assessing the coherence between national fisheries policy with the other issues identified in the Small-Scale Fisheries Guidelines *(cont.)*

| Title of National Fisheries Policy: | Include the title of the policy / Year / Timeframe: | | | | |
|--|---|-----------|--|------------------------------|-----------------|
| Reference to any of the following issues in the National Fisheries Policy: | Yes / No | Ref. page | Ref. to other specific related national policy | Comments / explanatory notes | Recommendations |
| Education | | | | | |
| Health | | | | | |
| Rural development | | | | | |
| Environmental protection | | | | | |
| Food security and nutrition | | | | | |
| Labour and employment | | | | | |
| Trade | | | | | |
| Financial services | | | | | |
| Disaster risk management | | | | | |
| Climate change adaptation | | | | | |
| Gender equity and equality | | | | | |

Annex C. Checklist template for assessing the implementation of the Small-Scale Fisheries Guidelines in national fisheries policy and legal instruments

| Perceived level of alignment with the SSF Guidelines requirement | | | |
|--|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |

Table. Information about the selected national fisheries policy and legal instruments for the SSF Guidelines policy and legal checklist

| Type | Identification | Original title | Year or timeframe | Amendments |
|---------------------------------|--------------------------------------|----------------|-------------------|------------|
| Fisheries Policy(ies) | A (if more than one, then A1, A2...) | | | |
| | | | | |
| | | | | |
| | | | | |
| Fisheries Primary legislation | B (if more than one, then B1, B2...) | | | |
| | | | | |
| | | | | |
| | | | | |
| Fisheries Secondary legislation | C (if more than one, then C1, C2...) | | | |
| | | | | |
| | | | | |
| | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full Ø partial X none ● not considered

Click on the arrows in columns A – B – C to select the level

The SSF Guidelines policy and legal checklist

| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|----------------------|----------------------------|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| Scope and definition | | | | | | | |
| 2.2 | 1. | Ensure explicit or implicit application to: <ul style="list-style-type: none">SSF operating in marine and inland waters; | | | | | |
| 2.2 | | <ul style="list-style-type: none">men and women working in the full range of pre-harvest-, harvest- and post-harvest- activities along the value chain; | | | | | |
| 2.3 | | <ul style="list-style-type: none">traditional and customary authorities, including Indigenous Peoples and ethnic minorities | | | | | |
| 2.3 | | <ul style="list-style-type: none">small-scale fishing communities. | | | | | |
| 2.4 | 2. | Include definitions of important concepts such as small-scale fisheries: | | | | | |
| 2.4 | | <ul style="list-style-type: none">ascertain which activities and/or are considered small-scale and ensure that they are included in the definition of SSF; ⁵ | | | | | |
| 2.4 | | <ul style="list-style-type: none">ascertain which operator/groups of persons are considered small-scale and ensure that they are included in the definition of SSF. This may include Indigenous Peoples, subsistence fishers, artisanal fishers. | | | | | |

⁵ See Legislative Guide, Appendix B 'Matrix for characterizing the scale of fishing units'.

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
|--------|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |
|--------|-----------|--------|------------------|

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|------------------------------|----------------------------|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| Objectives ⁶ | | | | | | | |
| 1.1(a) 10.4 | 3. | Promote and enhance the contribution of SSF to food security and nutrition as well as progressive realization of the right to adequate food. | | | | | |
| 1.1(a)(d) (e), 5.1, 5.6,10.4 | 4. | Contribute to the economic, social, and environmentally sustainable fisheries for present and future generations. | | | | | |
| 1.1(b) 10.4 | 5. | Improve the socio-economic situation, including poverty eradication, of women and men small-scale fishers and women and men small-scale fish workers; and the equitable development of SSF communities. | | | | | |
| 1.1(c), 5b, 10.4 | 6. | Achieve the sustainable utilization and responsible management of fisheries resources. | | | | | |
| 1.1(f) | 7. | Enhance public awareness and knowledge, including ancestral and traditional knowledge, on the culture, role, contribution and potential of SSF. | | | | | |
| 1.2 7.1 8.2 10.4,10.6 | 8. | Empower SSF communities, including women and men, to participate in decision-making processes; assume responsibilities for the sustainable use and management of fishery resources; and contribute to the benefit of vulnerable and marginalized groups. | | | | | |

⁶ The user should bear in mind that:

- there may not be specific reference to SSF, but a broad interpretation could include SSF in the objectives.
- these requirements may not be necessarily in the objectives of the policy/law, but other operational references/provisions of the policy/law may address these requirements.

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
|--------|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |
|--------|-----------|--------|------------------|

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|--|----------------------------|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 6.7 7.6 8.2 | 9. | Pursue inclusive, non-discriminatory and sound economic policies for the sustainable use and management of marine, freshwater and land areas to allow SSF communities, especially women, to earn a fair return from their labour, capital and management. | | | | | |
| 11.11 | 10. | Promote the consumption of SSF fish and fishery products through <i>inter alia</i> consumer education programmes to increase awareness of the nutritional benefits and quality of fish and fishery products. | | | | | |
| Principles⁷ | | | | | | | |
| 1.2 3.1(1) 10.4 | 11. | Include the principles on 'human rights' and 'dignity' expressed as follows: | | | | | |
| | | • applying a human rights-based approach; | | | | | |
| 3.1(1) | | • recognizing the inherent dignity, equal and inalienable human rights of all individuals; | | | | | |
| 3.1(1), 6.1, 6.2, 6.7, 6.12, 6.18, 8.2, 10.1, 10.4 | | • recognizing, respecting, promoting and protecting the applicability of human rights principles and standards to SSF, including universality, inalienability, indivisibility, interdependence and interrelatedness, non-discrimination and equality, participation and inclusion, accountability and the rule of law; | | | | | |
| 3.1(1) | | • respecting and protecting rights of defender of human rights in their work on SSF; | | | | | |

⁷ The user should bear in mind that:

- there may not be specific reference to SSF, but a broad interpretation could include SSF in the principles.
- these requirements may not be necessarily in the principles of the policy/law, but other operational references/provisions of the policy/law may address these requirements.

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
|--------|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |
|--------|-----------|--------|------------------|

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|----------------|--|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 3.1(1) | <ul style="list-style-type: none"> ensuring compliance with human rights standards by all non-state actors, including business enterprises related to or affecting SSF. | | | | | |
| 3.1(2) | 12. Include the principles on 'respect of cultures' expressed as one of the following: <ul style="list-style-type: none"> recognizing and respecting existing forms of organization, traditional and local knowledge and practices of SSF communities, including Indigenous Peoples and ethnic minorities; | | | | | |
| 3.1(2) | <ul style="list-style-type: none"> encouraging women leadership, taking into account the need to modify social and cultural patterns, eliminate prejudices, customary and all other practices based on the idea of inferiority or superiority of either sexes or on stereotyped roles for men and women; | | | | | |
| 3.1(2) | <ul style="list-style-type: none"> understanding maternity as a social function and recognizing the common responsibility of women and men in the upbringing, development and in ensuring the primordial interest of their children. | | | | | |
| 3.1(3) | 13. Include the principle of 'non-discrimination' expressed as follows: <ul style="list-style-type: none"> promoting the elimination of all kinds of discrimination in SSF. | | | | | |
| 3.1(4) | 14. Include the principle of 'gender equality and equity' expressed as follows: <ul style="list-style-type: none"> recognizing the vital role of women in SSF and promoting equal rights and opportunities for women in SSF. | | | | | |
| 3.1(5) | 15. Include the principle of 'equity and equality' expressed as one of the following: <ul style="list-style-type: none"> promoting justice and fair treatment of all people and peoples, including equal rights to the enjoyment of all human rights; | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full Ø partial X none ● not considered

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|----------------|----------------------------|---|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 3.1(5) | | <ul style="list-style-type: none"> acknowledging differences between men and women for taking specific measures to accelerate de facto equality such as using preferential treatment, particularly for vulnerable and marginalized groups. | | | | | |
| 3.1(6) | 16. | Include the principle of 'consultation and participation' expressed as follows: <ul style="list-style-type: none"> ensuring active, free, effective, meaningful and informed participation of SSF communities, including Indigenous Peoples and ethnic minorities, in the relevant decision-making process related to fishery resources, the areas where SSF operate and adjacent land areas, considering the existing power imbalances between different parties; | | | | | |
| 3.1(6) | | <ul style="list-style-type: none"> providing time and opportunity for the affected people to comment on the relevant decisions, and incorporating their feedbacks as appropriate. | | | | | |
| 3.1(7) | 17. | Include the principles of 'rule of law' and 'transparency' expressed as one of the following: <ul style="list-style-type: none"> considering existing obligations under national and international law, the international and regional non-formally binding instruments;⁸ | | | | | |
| 3.1(8) | | <ul style="list-style-type: none"> clearly defining and widely publicizing policies, laws, procedures and decisions; | | | | | |
| 3.1(8) | | <ul style="list-style-type: none"> widely publicizing decisions in applicable languages and in formats accessible to all. | | | | | |

⁸ See Annex A for the list of specific international legally binding instruments and international non-formally binding instruments relevant to SSF.

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
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| ✓ full | ∅ partial | X none | ● not considered |
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| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|----------------|----------------------------|---|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 3.1(9) | 18. | Include the principle of 'accountability' expressed as follows: • holding individuals, public agencies and non-state actors responsible for their actions and decisions. | | | | | |
| 3.1(10) | 19. | Include the principle of 'economic, social and environmental sustainability' expressed as follows: • applying the precautionary approach and risk management to avoid undesirable outcomes, including overfishing and negative environmental, social and economic impacts. | | | | | |
| 3.1(11) | 20. | Include the principle of 'holistic and integrated approaches' expressed as follows: • applying the ecosystem approach to fisheries (EAF), embracing the livelihoods of small-scale fishing communities and ensuring cross-sectoral collaboration; | | | | | |
| 3.1(11) | | • embracing the notions of comprehensiveness and sustainability of all parts of ecosystems and the livelihoods of SSF communities; | | | | | |
| 3.1(11) | | • ensuring cross-sectoral coordination with other sectors which SSF are linked to and dependent on. | | | | | |
| 3.1(12) | 21. | Include the principle of 'social responsibility' at least expressed as one of the following: • promoting community solidarity, collective and corporate responsibility; | | | | | |
| 3.1(12) | | • promoting collaboration among stakeholders. | | | | | |

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✓ full Ø partial X none ● not considered

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|--|----------------------------|---|--------------------------|---------------------------------------|---------------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 3.1(13) | 22. | Include the principle of 'feasibility and social and economic viability' expressed as follows: <ul style="list-style-type: none"> ensuring that policies and actions for improving SSF governance and development are socially and economically sound and rational, being informed by existing conditions, implementable and adaptable to changing circumstances and supportive of community resilience. | | | | | |
| Institutional and administrative arrangements | | | | | | | |
| 5.19 | 23. | Ensure the relevant governmental authorities have the mandate to: <ul style="list-style-type: none"> promote cooperation among States, which share transboundary waters and fishery resources, to protect SSF legitimate tenure rights; | | | | | |
| 6.10 | | <ul style="list-style-type: none"> coordinate, with other relevant national governments, the migration of women and men fishers and fish workers across national borders, determining policies and management measures in consultation with SSF organizations and institutions; | | | | | |
| 6.17 | | <ul style="list-style-type: none"> develop and implement coherent and integrated national strategies for inland and marine SSF's occupational health and sea safety, with the active participation of women and men fishers and ensure regional coordination; | | | | | |
| 7.6 | | <ul style="list-style-type: none"> cooperate with other States in trade regulations and procedures to support regional trade in SSF fish and fishery products; | | | | | |
| 9.2 | | <ul style="list-style-type: none"> provide special support to SSF communities living on small islands likely to suffer from climate change implications on their food security, nutrition, housing and livelihoods; | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full ∅ partial X none ● not considered

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|-----------------------------|--|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 9.3 10.1 10.3 10.5 | <ul style="list-style-type: none"> ensure policy coherence, cross-sectoral collaboration for EAF, and for holistic development (in issues e.g. human rights, gender, Indigenous Peoples, economic development, energy, education, health and rural development, environmental protection, food security and nutrition, labour and employment, trade, disaster risk management, climate change adaptation, and any other fisheries and fisheries related issues); | | | | | |
| 10.2 | <ul style="list-style-type: none"> provide for the development and use of inland and marine spatial planning approaches, taking into account SSF interests and SSF role in integrated coastal zone management, through consultation and participation of women and men; | | | | | |
| 10.7 12.4 | <ul style="list-style-type: none"> support sustainable SSF development and co-management arrangements, with special attention to decentralized and local government structures, taking into account an EAF. | | | | | |
| 7.7 7.9 9.6 | 24. Ensure governmental authorities have the duty to adopt policies and procedures, through full and effective consultation with relevant stakeholders, including fishing communities, Indigenous Peoples, women, vulnerable groups, with respect to SSF and any of the following issues: <ul style="list-style-type: none"> nutritional needs, health, wellbeing, culture, environment and livelihoods from the impacts of international trade in fish and fishery products, vertical integration, export production; | | | | | |
| 9.2 | <ul style="list-style-type: none"> climate change in fisheries, especially strategies for adaptation, mitigation and for building resilience. | | | | | |

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✓ full Ø partial X none ● not considered

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|----------------|----------------------------|---|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 5.9 | 25. | Ensure governmental authorities have the duty to provide special support to SSF and their communities where their livelihoods are threatened by: | | | | | |
| 9.4 | | • development of and competition with other activities and sectors; | | | | | |
| 10.5 | | • climate change or natural and human-induced disasters. | | | | | |
| 10.5 | 26. | Clearly define the points of contact in government authorities and agencies for SSF and delineate their roles and responsibilities or provisions that empower the relevant authority or entity to define points of contact for SSF. | | | | | |
| 10.6 | 27. | Promote collaboration between SSF stakeholders, professional associations, including fisheries cooperatives and civil society organizations. | | | | | |
| 10.8 12.1 | 28. | Promote enhanced international, regional and sub-regional cooperation in securing sustainable SSF and in appropriate and mutually agreed technology transfer to support capacity development for better understanding SSF. | | | | | |
| 11.3 11.8 | 29. | Ensure decisions relevant to SSF are appropriately communicated to SSF communities, allowing for their participation, through establishing or using appropriate means and the exchange of information at different governance levels. | | | | | |
| 7.4 12.1 | 30. | Promote the adequate organizational and capacity development of traditional forms of associations of fishers and fish workers in all stages of the value chain. | | | | | |

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✓ full ∅ partial X none ● not considered

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|--------------------------|----------------------------|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| Tenure and access rights | | | | | | | |
| 5.1 5.3 5.4 | 31. | Recognize, respect, secure and protect all forms of equitable, socially, culturally and appropriate legitimate tenure rights of women and men small-scale fishers, fish workers and their communities to aquatic biodiversity, natural resources, marine and inland fishery resources, SSF areas and adjacent land, giving special recognition to: <ul style="list-style-type: none">women;Indigenous Peoples and ethnic minorities.rights provided by local norms and practices, customary tenure systems or any other form of preferential rights. | | | | | |
| 5.2 | 32. | Recognize the central role of responsible governance of tenure of land, fisheries and forests in SSF for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, economic growth and rural and social development. | | | | | |
| 5.4 | 33. | Take appropriate measures to identify, record and respect legitimate tenure right holders and their rights. | | | | | |
| 5.6 | 34. | Determine the use and tenure rights of State-owned or controlled water and land resources, taking into account social, economic and environmental objectives. | | | | | |
| 5.6 | | Ensuring recognition and safeguard of publicly owned resources that are collectively used and managed by SSF communities | | | | | |
| 5.9 | 35. | Ensure that SSF communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed. | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full Ø partial X none ● not considered

Click on the arrows in columns A – B – C to select the level

| SSF Guidelines | SSF Guidelines requirement | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|--|----------------------------|--|------------------------------|------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| Management, conservation and development | | | | | | |
| 5.1 | 36. | Support equitable distribution of the benefits yielded from responsible management of fisheries and ecosystems, rewarding women and men small-scale fishers and fish workers. | | | | |
| 5.5 | 37. | Recognize the role of SSF communities and Indigenous Peoples to restore, conserve, protect and co-manage local aquatic and coastal ecosystems. | | | | |
| 5.7 | 38. | Grant preferential or exclusive access to SSF to fish and carry out fishing related activities in waters under national jurisdiction and take appropriate measures. | | | | |
| 5.7 | 39. | Give due consideration to SSF before fisheries access agreements are entered into with third countries and third parties. | | | | |
| 5.8 | 40. | Adopt measures for any of the following purposes: <ul style="list-style-type: none">to facilitate equitable access to fishery resources for SSF communities, including redistributive reform; | | | | |
| 5.13 5.20 9.2 | | <ul style="list-style-type: none">for the long-term conservation and sustainable use of fishery resources and to secure the ecological foundation for food production, considering the impacts of climate change on fisheries and avoiding policies and financial measures and incentives to fishing overcapacity and overfishing; | | | | |
| 11.6 | | <ul style="list-style-type: none">investigate and document traditional fisheries knowledge and technologies to assess their application to sustainable fisheries conservation, management and development. | | | | |
| 5.10 | 41. | Require social-, economic- and environmental impact studies as well as hold effective and meaningful consultation with SSF communities prior to the implementation of large-scale development projects. | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full Ø partial X none ● not considered

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|----------------|----------------------------|--|--------------------------|---------------------------------------|---------------------------------------|---------------------------|--|
| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 11.6 | | Ensure women and men's traditional knowledge are recognized and taken into account to inform sustainable development processes. | | | | | |
| 6.1 | 42. | Apply an EAF and holistic approaches to SSF management and development taking into account the complexities of livelihoods and the need of social and economic development to empower SSF communities. | | | | | |
| 9.3 | 43. | Address issues such as pollution, coastal erosion and destruction of coastal habitats which impact SSF and coastal communities. | | | | | |
| 9.5 | 44. | Ensure accountability of the party responsible for human-induced disasters impacting SSF. | | | | | |
| 11.4 11.6 | 45. | Recognize SSF communities, Indigenous Peoples, women and men as holders, providers and receivers of knowledge. | | | | | |
| 9.9 | 46. | Ensure funds (or any other financial mechanism), facilities and technologies as well as transparent access to such funds, facilities and technologies designed to any of the following: <ul style="list-style-type: none"> • climate change adaptation; | | | | | |
| 11.7 12.3 | | <ul style="list-style-type: none"> • organization, maintenance, exchange and improvement of SSF traditional knowledge of aquatic living resources and fishing techniques and SSF participation in management systems; | | | | | |
| 11.9 | | <ul style="list-style-type: none"> • SSF research; | | | | | |
| 7.3 2.1 | | <ul style="list-style-type: none"> • responsible and sustainable international and national trade in good quality and safe SSF's fish and fishery products; | | | | | |
| 7.2 | | <ul style="list-style-type: none"> • improving and facilitating women's participation in the SSF post-harvest subsector; | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

✓ full ∅ partial X none ● not considered

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|------------------------------|--|-----------------------|---------------------------------|---------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 6.2 6.12 8.3 | <ul style="list-style-type: none"> human resource development services (e.g., health, education, literacy, digital inclusion and other skills of technical nature), ensuring that men and women have equal access to extension and technical services. | | | | | |
| 11.9 | 47. Allow SSF communities to participate in research, data collection, analysis and utilization of research findings within research organizations and institutions. | | | | | |
| 11.9 | 48. Provide for a consultative process in the setting up of research priorities, ensuring that they cover any of the following subjects: <ul style="list-style-type: none"> the role of SSF in sustainable resource utilization, food security and nutrition, poverty eradication, equitable development, disaster risk management and climate change adaptation; | | | | | |
| 11.10 | <ul style="list-style-type: none"> the conditions of work, including migrant fishers and fish workers, health, education, decision-making, gender relations to inform strategies for equitable benefits for women and men in fisheries. | | | | | |
| 5.14 9.8 | 49. Provide for adequate duties of people in SSF to utilize fishing practices that minimize harm to the aquatic environment, associated species, and support long-term conservation, sustainable use of resources, maintenance of the ecological foundation for food production and efforts related to climate change (e.g., energy efficiency). | | | | | |
| 5.17 | 50. Ensure clear, agreed and accountable roles and responsibilities of all parties and stakeholders in co-management arrangements through a participatory and legally supported process. | | | | | |
| 5.13 5.15 5.17 5.18 | 51. Promote capacity-building to involve SSF communities, with special attention to equitable participation of women, vulnerable and marginalized groups, in any of the following: <ul style="list-style-type: none"> participatory management systems (e.g., co-management); | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

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| ✓ full | ∅ partial | X none | ● not considered |
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| SSF Guidelines | SSF Guidelines requirement | Selected instruments | | | Policy and/or legal basis | Comments, recommendations and/or explanatory notes |
|---------------------|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 5.15 | • taking responsibility for the management of resources used; | | | | | |
| 5.15 9.2 12.1 | • participation in the design, planning and implementation of management measures, including protected areas, taking into account the impacts of climate change on fisheries; | | | | | |
| 7.1, 8.2 | • post-harvest decision-making processes; | | | | | |
| 5.18 11.6 | • contribution of knowledge, culture, traditions, practices and perspectives of SSF communities, including Indigenous Peoples and women. | | | | | |
| 11.1 | 52. Ensure the inclusion of bioecological, social, cultural and economic data in fisheries data systems relevant for sustainable management of SSF, allowing for the production of gender statistics, including sex-disaggregated data in the official statistics and for an improved visibility of SSF. | | | | | |
| 7.5 9.8 | 53. Take measures to create value addition and building on traditional and local cost-efficient technologies, local innovations, culturally technology transfers, and energy efficiency as to avoid or deter post-harvest losses and waste. | | | | | |
| 7.6 3(3.1) (4) | 54. Facilitate access of SSF fish and fishery products from women and men in small-scale fishing communities to local, national, regional and international markets, promoting equitable and non-discriminatory trade for SSF fish and fishery products. | | | | | |
| 7.8 | 55. Ensure fair and equitable distribution of benefits from international trade to SSF, through effective fisheries management systems that prevent overfishing. | | | | | |
| 6.17 | 56. Integrate safety at sea of SSF into the general management of fisheries | | | | | |

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✓ full Ø partial X none ● not considered

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| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 7.10 9.6 12.1 12.2 | 57. Enable access of SSF, especially women and vulnerable and marginalized groups, to timely and accurate market information as well as capacity development, to help them adjust to changing market conditions, equitably benefit from opportunities of global market trends and local situations and be less affected by negative impacts of international trade, climate change and disasters. | | | | | |
| Social development | | | | | | |
| 6.2 8.4 3(3.1) (4) | 58. Accept and promote preferential treatment of women, indigenous peoples, vulnerable and marginalized groups in the provision of relevant services, technology, and giving effect to non-discrimination and other human rights. | | | | | |
| 6.3 | 59. Promote social security protection for workers in SSF and apply security-schemes to the entire value-chain. | | | | | |
| 6.4 | 60. Support the development of and access of SSF, with special attention to women, to services such as savings, credit and insurance schemes. | | | | | |
| 6.5 | 61. Recognize as economic and professional operations the full range of full-time, part-time, occasional, subsistence activities by men and women along the SSF value-chain in aquatic environment or land. | | | | | |
| 6.6 | 62. Promote decent work for all SSF men and women workers from formal and informal sectors, ensuring the sustainability in SSF. | | | | | |
| 6.8 3(3.1) (4) | 63. Recognize the role of SSF, especially the vital role of women, in local economies and the links of SSF to the wider economy, ensuring equitable benefit to SSF communities from developments such as community-based tourism and small-scale responsible aquaculture. | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
|--------|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |
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| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 6.9 | 64. Create conditions for women and men in SSF to fish and carry out fisheries-related activities in an environment free from crime, violence, organized crime activities, piracy, theft, sexual abuse, corruption and abuse of authority. | | | | | |
| 6.9 8.2 | Institute measures that aim to eliminate violence and to protect women exposed in SSF communities and ensure access to justice for victims of inter alia violence and abuse, including within the household or community. | | | | | |
| 6.10 | 65. Recognize and respect the role of women and men migrant fishers and fish workers in SSF, cooperating and creating their adequate integration in the sustainable use of fishery resources and in the local community-based fisheries governance and development. | | | | | |
| 6.12 | 66. Address occupational health and safety issues of all women and men in SSF and fish workers within fisheries management and development initiatives. | | | | | |
| 6.13 | 67. Eradicate forced labour, prevent debt-bondage of women, men and children, through the adoption of effective measures to protect men and women fishers and fish workers, including migrants. | | | | | |
| 6.14 6.15 | 68. Provide and enable access of children to schools and education facilities, and facilitate gainful and decent employment of youth, respecting their career choices and providing equal opportunities for all boys, girls, young women and men. | | | | | |
| 6.15 | Recognize children's well-being and education, protection from abuse and children's rights. | | | | | |
| 6.16 | 69. Address safety-at-sea issues in all inland and marine fishing and fishing related activities, and the causes behind deficient safety. | | | | | |

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| | | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 6.17 | 70. | Provide support to maintenance of national accident reporting, provision of sea safety awareness programmes, recognizing the participation of institutions, community-based structures for increasing compliance, data collection, training and awareness, search and rescue operations. | | | | | |
| 6.17 | 71. | Promote access to information and to emergency location systems for rescue at sea for SSF. | | | | | |
| Monitoring, control and surveillance | | | | | | | |
| 5.16 | 72. | Establish new or promote existing monitoring, control and surveillance (MCS) systems with the involvement of SSF actors. | | | | | |
| 5.16 | 73. | Ensure registration of fishing and fishing related activities, including in SSF, and require SSF to support MCS systems and provide the information required for the management of the activity. | | | | | |
| 6.16 | 74. | Ensure the development, enactment and implementation of appropriate national laws and regulations that are consistent with international law for work in fishing and sea safety in SSF. | | | | | |
| 6.17 | 75. | Provide support to maintenance of national accident reporting, provision of sea safety awareness programmes and introduction of appropriate legislation for sea safety in SSF. | | | | | |
| 6.17 | 76. | Promote access to information and to emergency location systems for rescue. | | | | | |
| 5.17 8.2 | 77. | Ensure SSF, especially women, are represented in local and national professional associations and fisheries bodies and actively take part in decision-making and fisheries policy-making processes. | | | | | |

Perceived level of alignment with the SSF Guidelines requirement

| | | | |
|--------|-----------|--------|------------------|
| ✓ full | ∅ partial | X none | ● not considered |
|--------|-----------|--------|------------------|

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|--|--|----------------------|------------------------------|------------------------------|---------------------------|--|
| | | A Fisheries policy | B Fisheries 1ary legislation | C Fisheries 2ary legislation | | |
| 5.20 | 78. Ensure policies and financial measures and incentives to reduce fishing overcapacity and overfishing. | | | | | |
| 11.5 | 79. Ensure information necessary for responsible and sustainable SSF is available, including on illegal, unreported and unregulated (IUU) fishing, disaster risks, climate change, livelihoods and food security. | | | | | |
| Enforcement, access to justice, accountability and effective remedy | | | | | | |
| 5.11 | 80. Provide SSF communities and individuals access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of conflict resolution, as well as effective and promptly enforced remedies (e.g., right to appeal, restitution, indemnity, just compensation and reparation). | | | | | |
| 5.12 | 81. Restore access of SSF communities to traditional fishing grounds and coastal lands in case of displacement by natural disasters and/or armed conflict. | | | | | |
| 5.12 | 82. Establish mechanisms to support fishing communities affected by human rights violations to rebuild their lives and livelihoods, including through the elimination of any form of discrimination or violence against women. | | | | | |
| 5.16 | 83. Ensure enforcement mechanisms to deter, prevent and eliminate all forms of IUU fishing and/or destructive fishing practices. | | | | | |
| 6.9 | 84. Ensure access to justice for victims of <i>inter alia</i> violence and abuse, including within the SSF household or communities. | | | | | |
| 9.5 | 85. Ensure accountability of the responsible party in case of a disaster caused by human activities. | | | | | |

This diagnostic tool advances the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) through policy and legal frameworks. It is a key tool for use by any actor, including small-scale fishers, who is interested in contributing to the SSF Guidelines operationalization at the national level. By using this tool, users are able to recognize the national policy and legal instruments that are relevant to small-scale fisheries in a country, consistent with the SSF Guidelines. Users are also able to: assess policy coherence for SSF; assess the alignment of national fisheries policy and legal instruments with the SSF Guidelines; identify gaps and strengths in these instruments; and further propose recommendations for improving the existing national policy and legal framework according with the SSF Guidelines.

Email: SSF-Guidelines@fao.org

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Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla,

00153 Rome, Italy

ISBN 978-92-5-135599-2



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CB8234EN/1/03.22